

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: SAMUEL E. SCOTT
Debtor

CHAPTER 11
CASE NO. 11-12156-JDW

CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have this date caused to be served via facsimile transmission, electronic transmission, and/or U.S. Mail, postage prepaid, a true and correct copy of the *Motion to Enforce Automatic Stay and for Other Relief* [DK #490] and the *Notice* [DK #491] of hearing thereon (copies of which are attached hereto as collective Exhibit "A") to all creditors and parties-in-interest as listed on the matrix on file with the Clerk of the Court (a copy of which is attached hereto as Exhibit "B") and to the following:

Mr. Steve Amos
Copiah County Chancery Clerk
P.O. Box 507
122 South Lowe Street
Hazlehurst, MS 39083
Facsimile: (601) 894-4081
Email: amos39083@aol.com

Mr. Todd Mooney
Copiah County Tax Assessor
P.O. Box 730
100 Caldwell Drive
Hazlehurst, MS 39083
Facsimile: (601) 894-3034
Email: tmooney@copiahcountymiss.gov

Ms. April S. Holloway
Copiah County Tax Collector
P.O. Box 705
Hazlehurst, MS 39083
Facsimile: (601) 894-3026
Email: taxcollector@copiahcountymiss.gov
Email: april@copiahcountymiss.gov

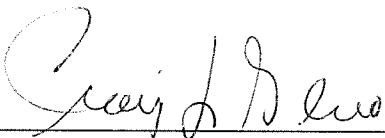
Daniella M. Shorter, Esq.
Copiah County District Attorney
P.O. Drawer 767
Hazlehurst, MS 39083-0767
Facsimile: (601) 894-9080
Email: daniellashorter@gmail.com

Mrs. Leigh McGregor
Email: leighmc50@gmail.com

Estate of Carol Scott
c/o Ms. Lynda Butcher
Email: lyndabutcher@ymail.com

Ms. Lynda Butcher
Email: lyndabutcher@ymail.com

THIS, the 13th day of June, 2022.



Craig M. Geno

OF COUNSEL:

Craig M. Geno; MSB No. 4793
LAW OFFICES OF CRAIG M. GENO, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157
601-427-0048 - Telephone
601-427-0050 - Facsimile
cmgeno@cmgenolaw.com

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

In Re: Samuel E Scott
Debtor(s)

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)

Case No.: 11-12156-JDW
Chapter: 11
Judge: Jason D. Woodard

PLEASE TAKE NOTICE that a **TELEPHONIC** evidentiary hearing will be held
on 7/20/22 at 10:30 AM

to consider and act upon the following:

490 – Motion For Sanctions for Violation of the Automatic Stay Motion to Enforce
the Automatic Stay and for Other Relief Filed by Craig M. Geno on behalf of Leigh
Mcgregor. (Geno, Craig)

This matter **will be held telephonically**. All attorneys, parties and other interested parties
appearing should follow the dial in instructions below:

- 1) Complete the dial in instructions below at least 5 minutes prior to the time of the hearing.
- 2) Dial 877-336-1829, and when prompted, enter access code 5667710#.
- 3) Once you are connected to the call, identify yourself by stating your name.
- 4) Once your telephonic presence is acknowledged by the courtroom deputy, please mute your phone until further notice from the Court.
- 5) Do not place the call on hold at any time during the call as this may lead to disturbing noises for the other call participants.

Should you experience difficulties connecting to the telephonic hearing, please contact the Clerk's Office at 662-369-2596.

Please note that a corporation, partnership, trust, or other business entity, other than a sole proprietorship, may appear and act in Bankruptcy Court only through a licensed attorney.

Dated: 6/7/22

Shallanda J. Clay
Clerk, U.S. Bankruptcy Court
BY: LJB
Deputy Clerk

EXHIBIT "A"

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: SAMUEL E. SCOTT
DEBTOR

CHAPTER 11
CASE NO. 11-12156-JDW

MOTION TO ENFORCE THE AUTOMATIC STAY AND FOR OTHER RELIEF

COMES NOW Samuel E. Scott (the “Debtor”), by and through his authorized representative, Leigh McGregor (the “Movant”), and files this her *Motion to Enforce the Automatic Stay and for Other Relief* (the “Motion”), and in support thereof would respectfully show as follows, to-wit:

1. Debtor initiated this Chapter 11 case by the filing of a Voluntary Petition pursuant to Chapter 11 on May 12, 2011.
2. Subsequent to the filing of the Petition, and prior to taking such action as necessary to dispose of the assets in this case that were to be liquidated, the Debtor, Samuel E. Scott, passed away on November 21, 2015. The Court entered an Order [DK #251] designating Chris Scott, the Debtor’s son, as the Debtor’s authorized representative on March 21, 2016. Unfortunately, Chris Scott passed away in 2021 from complications due to COVID-19. The Court entered an Order [DK #456] designating Leigh McGregor, the Debtor’s daughter, as the Debtor’s authorized representative on August 10, 2021.
3. The Court approved confirmation of the Debtor’s Second Amended Plan of Reorganization [DK #309] by Agreed Order [DK #338] entered October 10, 2017. The Movant serves as the post-confirmation estate representative.
4. This Honorable Court has jurisdiction of the subject matter herein and the parties hereto pursuant to 28 U.S.C. §§ 157 and 1334; 11 U.S.C. §§ 105, 362, 363, 1107, 1109, related statutes, related rules and various orders of reference. This is a core proceeding.

5. When the Debtor departed this life, he owned a home in Hazlehurst, Mississippi (the "Hazlehurst Property"). Subsequent to the Debtor's death, the tax collector/chancery clerk (the "Clerk") of Copiah County, Mississippi, caused notice of a tax sale to be published according to statute. Unfortunately, this post-petition noticing of the tax sale occurred without a request or a grant of the lifting of the automatic stay of 11 U.S.C. § 362 and any tax sale as a result is either void or voidable.

6. On information and belief, the Debtor's widow, Carol Scott, engaged in a course of action whereby she "redeemed" the property that was subject to the automatic stay violation and, apparently, record title is held in her name, Carol Scott ("Ms. Scott").

7. Ms. Scott subsequently departed this life, and her heirs have apparently taken the position that she/they owned/own the Hazlehurst Property outright. The Movant has been making contributions to the Hazlehurst Property for lawn maintenance and upkeep, utility bills and related costs subsequent to Ms. Scott's death.

8. While the Debtor died testate, his counsel and his heirs have determined that the conclusion of this Chapter 11 case would be appropriate prior to the probate of any will; and, in fact, if this Chapter 11 case can be wound up to the satisfaction of all concerned, or subject to an order of this Court, probate may not be necessary.

9. Movant does not know if Ms. Scott died testate or intestate, and she does not know if any estate has been opened for her. Ms. Scott's heirs, the Debtor's heirs and Debtor's counsel have enjoyed a cooperative, professional relationship since the death of the Debtor, and now Ms. Scott. However, to be able to wind up the affairs of the Debtor, Movant must correct the situation with the title to the Hazlehurst Property so that she can sell it and personal property associated with it.

10. The Movant believes that she has successfully prosecuted a motion for the sale of certain real property located in Panola County, Mississippi, that will not only provide income to the estate, it will satisfy the claims of the Internal Revenue Service as a result, thereby clearing up any issues as to whether or not the Internal Revenue Service has a lien or other security interest in or upon the Hazlehurst Property. As soon as counsel can obtain information respecting the state of the title of the Panola County property, it can be sold and transferred to the purchaser. There were some tax sale issues with that property as well, but they have been resolved by the local authorities and Debtor's counsel.

11. However, the Hazlehurst Property remains a problem and an issue in this case. While this Chapter 11 estate, and the heirs of the Debtor and the heirs of Ms. Scott desire that the Hazlehurst Property be sold, and the remaining proceeds of the Debtor's retirement funds distributed, title to the Hazlehurst Property needs to be "revested" in this Chapter 11 case, in order to properly administer it as an asset of this estate, especially since the tax sales were submitted in violation of the automatic stay and purchased by the Debtor's widow under less than ideal circumstances. The Movant stands ready, willing and able to pay all real estate taxes upon the Hazlehurst Property at the appropriate point in time when title is revested in the estate.

12. At this point, Movant does not seek sanctions for violation of the automatic stay, or other sanctions under the circumstances, but reserves that right in the future should that become necessary in the event this Motion is resisted.

13. Movant will provide notice of the Motion, and the notice that will be promulgated by the clerk's office, to the public taxing authorities in Copiah County, Mississippi, including the tax assessor, tax collector, chancery clerk and county attorney; to the heirs of the Debtor, to the known heirs of Ms. Scott and to all creditors and parties-in-interest as listed on the matrix.

14. Other grounds to be assigned upon a hearing hereof.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully prays that upon a hearing hereof, this Honorable Court will grant the Motion, enforce the automatic stay so that the void or voidable tax sales are deemed to have been violations of the automatic stay and so that title may be revested in the Debtor. Movant prays for general relief.

THIS, the 2nd day of June, 2022.

Respectfully submitted,

LEIGH MCGREGOR, RESPONSIBLE PARTY
FOR SAMUEL E. SCOTT

By Her Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By: 

Craig M. Geno

OF COUNSEL:

Craig M. Geno, Esq.; MSB No. 4793
LAW OFFICES OF CRAIG M. GENO, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157
601-427-0048 Telephone
601-427-0050 Facsimile
cmgeno@cmgenolaw.com

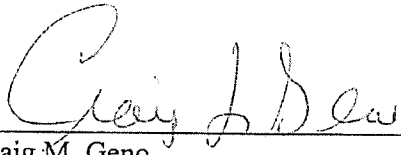
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CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via electronic filing transmission, a true and correct copy of the above and foregoing pleading to the following:

Sammye S. Tharp, Esq.
Office of the United States Trustee
Sammye.S.Tharp@usdoj.gov

THIS, the 3rd day of June, 2022.



Craig M. Geno

Label Matrix for local noticing
0537-1
Case 11-12156-JDW
Northern District of Mississippi
Aberdeen
Mon Jun 13 13:03:10 CDT 2022

Capital One
P.O. Box 60599
City of Industry, CA 91716-0599

Corporation Service Company
1680 Capital One Drive
McLean, VA 22102-3407

Covington County Bank
Post Office Drawer 1599
Collins, MS 39428-1599

GE Money Bank
c/o Recovery Management Systems Corporat
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

Internal Revenue Service
c/o Ralph M. Dean, III, Esq.
Assistant United States Attorney
900 Jefferson Avenue
Oxford, MS 38655-3608

Mississippi Department of Revenue
Legal Division
Post Office Box 22808
Jackson, MS 39225-2808

Sylvie Derdeyn Robinson
Mississippi Department of Revenue
Post Office Box 22828
Jackson, MS 39225-2828

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

World's Foremost Bank
P.O. Box 82609
Lincoln, NE 68501-2609

(p)U S SECURITIES AND EXCHANGE COMMISSION
ATLANTA REG OFFICE AND REORG
950 E PACES FERRY RD NE STE 900
ATLANTA GA 30326-1382

Capital One Bank (USA), N.A.
by American InfoSource LP as agent
PO Box 71083
Charlotte, NC 28272-1083

Corporation Service Company
5760 I-55 North, Suite 150
Jackson, MS 39211-2654

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Craig M. Geno
Law Offices of Craig M. Geno, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157-8784

Margaret O. Middleton
US Dept. of Justice - US Trustees
501 East Court Street
Suite 6-430
Jackson, MS 39201-5027

Recovery Management Systems Corporation
25 SE 2nd Ave, Suite 1120
Miami, FL 33131-1605

Chris Scott
330 S. Extension Street
Hazlehurst, MS 39083-3310

Sammye S. Tharp
501 East Court Street
Suite 6-430
Jackson, MS 39201-5022

Samuel D. Wright
900 Jefferson Ave.
Oxford, MS 38655-3608

Robert Alan Byrd
145 Main Street
P. O. Box 1939
Biloxi, MS 39533-1939

Capital One, N.A.
Attn: Jason Bezou
2412 Manhattan Blvd
Harvey, LA 70058-3449

Covington County Bank
Byrd & Wiser
PO Drawer 1939
Biloxi, MS 39533-1939

Eric W. Flynn
1445 Ross Ave., Suite 3700
Dallas, TX 75202-2755

Internal Revenue Service
P O Box 7346
Philadelphia, PA 19101-7346

Mississippi Department of Revenue
P.O. Box 22808
Jackson, MS 39225-2808

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Samuel E Scott
c/o Law Offices of Craig M. Geno, PLLC
587 Highland Colony Parkway
Ridgeland, MS 39157-8784

U. S. Trustee
501 East Court Street, Suite 6-430
Jackson, MS 39201-5022

EXHIBIT "B"

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Branch of Reorganization
Atlanta Regional Office
US Securities and Exchange Commission
Suite 1000, 3475 Lenox Rd., N.E.
Atlanta GA 30326-1323

Department of the Treasury, IRS
7850 SW 6th Court
M/S 5730
Pantation, FL 33324

(d)Internal Revenue Service
100 W. Capitol St. Room 504
Jackson, MS 39269

(d)Internal Revenue Service
Attn: Special Processing Staff
100 West Capitol Street
Room 504
Jackson MS 39269

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Capital One Investing, LLC

(d)Covington County Bank
Byrd & Wiser
PO Drawer 1939
Biloxi, MS 39533-1939

(u)Leigh McGregor

(u)Chris Scott

End of Label Matrix
Mailable recipients 28
Bypassed recipients 4
Total 32